

**AMENDMENTS TO THE CLAIMS**

**This listing of claims will replace all prior versions and listings of claims in the application:**

**LISTING OF CLAIMS:**

1. (currently amended):      An optical recording medium comprising:
  - a data recording layer which is provided to record contents data upon irradiation of an optical beam, and
  - a visual information recording layer including
  - a visual information recording area provided for recording only visual information, which is visually recognizable, by irradiating the optical beam; and
  - a visual information management area where first recording layer information indicating that a layer having the first recording layer information is the visual information recording layer, is previously recorded so as to be readable,
    - wherein the visual information recording layer is formed on a side opposite to the data recording layer, and
    - the first recording layer information includes information indicating that the layer where the first recording layer exists is the visual information recording layer and at least one of visual information management information indicative of presence or absence of record of visual information onto the visual information recording area and the area information indicative of the recordable area of the visual information on the visual information recording area.

2-20. (canceled).

21. (previously presented): The optical recording medium according to claim 1,  
wherein  
the first recording layer information is regularly arranged in the visual  
information management area.

22. (currently amended): The optical recording medium according to claim ~~2~~1,  
wherein  
the first recording layer information is regularly arranged in the visual  
information management area.

23. (currently amended): The optical recording medium according to claim ~~2~~1,  
wherein  
any one of visual information management information indicating whether or not  
record of the visual information exists in the visual information recording area and area  
information indicative of a recordable area of the visual information is recorded in the visual  
information management area.

24. (currently amended): A data recording apparatus that records visual information  
onto an optical recording medium including  
a data recording layer provided to record contents data upon irradiation of an  
optical beam, and  
a visual information recording layer including

a visual information recording layer where only visual information visually recognizable is recorded upon irradiation of the optical beam, and

a visual information management area where first recording layer information ~~indicating that a layer having the first recording layer information is the visual information recording area~~ is recorded, wherein the first recording layer information being recorded upon irradiation of the optical beam so as to be readable, and

wherein the visual information recording layer is formed on a side opposite to the data recording layer, and

the first recording layer information includes information indicating that the layer where the first recording layer exists is the visual information recording layer and at least one of visual information management information indicative of presence or absence of record of visual information onto the visual information recording area and the area information indicative of the recordable area of the visual information on the visual information recording area, the data recording apparatus comprising:

an input device which inputs the visual information to be recorded;

a pickup which is used to record the visual information thus inputted;

a visual-information dedicated drive signal generating device which generates a visual-information dedicated drive signal for driving the pickup in accordance with the visual information thus received;

a first detection device which detects the first recording layer information recorded in the visual information management area of the visual information recording layer;  
and

a determining device which determines a side where the optical beam is irradiated on the optical recording medium in accordance with the result of the detection by the first detection device, wherein

when it is determined by the determining device that the optical beam irradiates the visual information recording layer, the pickup records the visual information on the visual information recording layer in accordance with the visual information-dedicated drive signal.

25. (previously presented): The data recording apparatus according to claim 24, wherein

provided that recording medium information indicating that the visual information recording layer is provided in the optical recording medium is recorded in the data recording layer, and recording medium information indicating that the visual information recording layer is provided in the optical recording medium is recorded in the data management area,

the data recording apparatus further comprising:

a second detecting device which detects the recording medium information recorded in the data management area; and

a second determining device which determines, in accordance with a result of the detection obtained by the second detection device, whether or not it is possible to record visual information onto the optical recording medium, which is irradiated by the optical beam.

26. (previously presented): The data recording apparatus according to claim 24, further comprising:

a contents-data dedicated drive signal generating device that, when the contents data are inputted into the input device, generates a contents-data dedicated drive signal for driving the pickup in accordance with the contents data thus inputted; and

a data recording pickup that is different from a visual-information recording pickup for recording the visual information and that records the contents data into the data recording layer in accordance with the contents-data dedicated drive signal.

27. (previously presented): The data recording apparatus according to claim 26, wherein

the visual information recording pickup has a numerical aperture (NA) lower than that of the data recording pickup.

28. (previously presented): The data recording apparatus according to claim 26, wherein

the visual-information recording pickup emits an optical beam having a wavelength longer than that from the data recording pickup.

29. (previously presented): The optical recording medium according to claim 1, wherein

the visual information is recorded by irradiating a laser beam on a side of the data recording layer of the optical recording medium.

30. (previously presented): The data recording apparatus according to claim 24,  
wherein  
the pickup records the visual information onto the optical recording medium by  
irradiating a laser beam on a side of the data recording layer of the optical recording medium.